REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

At the outset, the Applicants wish to thank the examiners for the courtesy shown to their representatives during a personal interview on June 29, 2010. The participants were Examiner Liton Miah, SPE Rafael Perez-Gutierrez, Takashi Ishihara, and the undersigned. Amended claims 20, 30, 34 and 35, and new dependent claims 36 and 37 presented herein, were discussed in view of the applied Khan04 and Khan02 references . A summary of the substance of the interview is included in the comments below.

Agreement was reached in that the examiners agreed that the presently applied prior art references do not appear to teach or suggest the subject matter of the above amended and new claims, and that updated searching would be needed. The claims have been amended for cosmetic purposes, except that claims 20, 34 and 35 have been clarified to expressly recite that the error detection for the data is performed by using an error-detecting code; the error-detecting code may be based on a cyclic redundancy check (CRC) on the data (see, paragraphs [0016], and [0020] of the published application). (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to any particular aspect of the referenced embodiments.)

It was noted during the interview that, in the claimed invention, the Node B transmits ACK/NACK signals and a control signal to the UE based on the result of error detection using an error-detecting code: an ACK signal when the error detector detects no error, a NACK signal when the error detector detects an error, and a control signal, pairing with the ACK/NACK

signal, for governing operations including a new transmission, a retransmission, and no transmission performed in the terminal apparatus. The control signal for governing the operations may be, for example, one of a suspend signal, a resume signal and a give-up signal, depending on the channel quality compared to a threshold.

It was noted that Khan04 (US2004/0203973) addresses a problem that the data rate of the downlink traffic channel is greater than the data rate of the local channel, with the result that the UE is not able to process incoming data fast enough, so an "error" involving a buffer overflow at the UE will occur. Thus, the UE transmits STOP/START commands to the Node B when the buffer overflow tends to occur. This detection of an error based on an overflow situation is not comparable to a procedure based on use of an error-detecting code e.g. a CRC. Although the Office Action cites the Abstract and paragraphs [0009] and [0014] of Khan04 as disclosing use of ACK/NACK signals based on error detection, the only acknowledgement signals in Khan04 are an acknowledgement by the Node B of receipt of STOP and START commands from the UE indicating the overflow status; based on an ACK-STOP signal, the UE enters into a SUSPEND mode and based on an ACK-START signal, the UE enters into RECEIVE mode. None of the signals from the Node B is comparable to the subject matter of claim 20 of a control signal, pairing with either the ACK signal or the NACK signal, for governing operations including a retransmission performed in the terminal apparatus. In Khan04, the UE, in response to the ACK signals from the Node B, either receives data or suspends reception of data, and does not govern operations of a retransmission. The STOP/START commands of Khan04 are used only for stop or start of a first transmission, not a retransmission. The Office Action acknowledges this at page 4, line 10.

To overcome this deficiency of Khan04, the Office Action at page 4, lines 10-13 cites Khan02 for allegedly disclosing ACK/NACK signals and a control signal. Khan02 discloses normal HARQ. The Office Action deems the packet identifiers, sequence identifiers, user identifiers, and timing relationships to be the "control signals." While the identifiers and timing information of Khan02 appear to relate to retransmission, they are not used for governing operations including a new transmission, a retransmission, and no transmission performed in the terminal apparatus. The examiners agreed that the identifiers and timing information of Khan02 are not used for governing operations including a new transmission, a retransmission, and no transmission performed in the terminal apparatus

In summary, it was agreed by the examiners that above amended claims 20-35 appear to be allowable over the individual or combined teachings of Khan04 and Khan02. Claims 36 and 37 are allowable due to their dependence from allowable claim 20.

Accordingly, a notice of allowance is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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Date: July 16, 2010
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